

November 9, 2017

**VIA ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street S.W.  
Washington, DC 20554

**Re: Notice of Ex Parte Presentation  
GN Docket No. 14-177; IB Docket No. 15-256; RM-11664; WT Docket No. 10-112;  
IB Docket No. 97-95**

Dear Ms. Dortch:

On Tuesday, November 7, 2017, Lisa Youngers, Chief Executive Officer of Nextlink Wireless, LLC (“Nextlink”) and Tom Peters and Michele C. Farquhar, counsel to Nextlink, met with Erin McGrath, Wireless Legal Advisor to Commissioner O’Rielly, to discuss the draft *Second Report and Order, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, and Memorandum Opinion and Order* on circulation in the above-referenced proceedings.<sup>1</sup> On Wednesday, November 8, 2017, Lisa Youngers, Tom Peters and Michele C. Farquhar met with Kevin Holmes, Acting Wireless Legal Advisor to Commissioner Carr, and on Thursday, November 9, 2017, Lisa Youngers, Tom Peters and Michele C. Farquhar spoke by phone with Louis Peraertz, Wireless Legal Advisor to Commissioner Clyburn, for the same purpose.

In the meetings, the Nextlink representatives urged the FCC to reallocate the 28 GHz LMDS A2 and A3 bands and B block for new Upper Microwave Flexible Use (“UMFU”) licenses, as previously requested in this proceeding.<sup>2</sup> Nextlink explained how allocating the 28 GHz A1 band for UMFU service but not the other segments of the LMDS A block (*i.e.*, the A2 and A3 bands) will strand the remaining LMDS license segments and jeopardize investments made in the band to date. As Verizon recently noted, “[a]llowing flexible use of [the remaining LMDS spectrum] would promote investment and innovation in 5G technologies and avoid unnecessary inefficiencies.”<sup>3</sup>

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<sup>1</sup> See *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services, et al.*, Report and Order, Second Further Notice of Proposed Rulemaking, Order on Reconsideration, and Memorandum Opinion and Order, GN Docket No. 14-177, *et al.*, FCC-CIR1711-02 (circ. Oct. 26, 2017) (“Draft Item”).

<sup>2</sup> See Comments of Nextlink Wireless, LLC, GN Docket No. 14-177, *et al.* at 9-11 (filed Sept. 30, 2016) (“Nextlink FNPRM Comments”); Reply Comments of Nextlink Wireless, LLC, GN Docket No. 14-177, *et al.* at 4 (filed Oct. 31, 2016) (“Nextlink FNPRM Reply Comments”); Petition for Reconsideration or, in the alternative, Clarification of Nextlink Wireless, LLC, GN Docket No. 14-177, *et al.* at 11-13 (filed Dec. 14, 2016) (“Nextlink Reconsideration Petition”).

<sup>3</sup> See *Ex Parte* Letter from Charla M. Rath, Vice President, Wireless Policy Development, Verizon to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-177, *et al.* at 3 (filed Nov. 3, 2017) (“Verizon *Ex Parte*”).

Nextlink recounted several studies submitted into the record demonstrating that mobile operations in the remaining segments of the LMDS band can coexist with passive band operations in the neighboring 31.3-31.8 GHz band.<sup>4</sup> Nextlink urged that, to the extent the agency believes that further study is needed to allocate the remaining LMDS spectrum for UMFU service,<sup>5</sup> the FCC should request additional information on this issue in the Second Further Notice.<sup>6</sup>

Pursuant to Section 1.1206(b) of the Commission's rules, I am filing this letter electronically in the above-referenced dockets. Please contact me directly with any questions.

Respectfully submitted,

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Partner

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Attachments (1)

cc: Erin McGrath  
Kevin Holmes  
Louis Peraertz

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<sup>4</sup> See Reed Engineering, *Co-existence of 5G mobile Service and RAS, EESS, and SRS at 31 GHz* (Oct. 2017), *attached to Ex Parte* Letter from Michele C. Farquhar, Counsel to Nextlink Wireless, LLC to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-177, *et al.* (filed Oct. 17, 2017); T-Mobile USA, Inc., *Co-existence of Mobile Broadband Operations, attached to Ex Parte* Letter from Steve B. Sharkey, Vice President, Government Affairs, Technology and Engineering Policy, T-Mobile USA, Inc. to Marlene H. Dortch, Secretary, FCC, GN Docket No. 14-177 *et al.* (filed Oct. 2, 2017).

<sup>5</sup> See Draft Item ¶ 220.

<sup>6</sup> See Verizon *Ex Parte* at 3.